

January 22, 2008

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

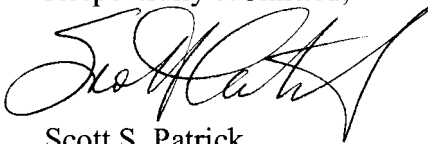
**Re: Notification of Ex Parte Communication**  
**MB Docket Nos. 87-268**

Dear Ms. Dortch:

This is to advise you, in accordance with Section 1.1206 of the FCC's rules, that on January 18<sup>th</sup> William L. Watson, Vice President, and David Glenn, President of Engineering, ION Media Networks, Inc., along with counsel Scott Patrick, met with Eloise Gore, Shaun Maher, Kevin Harding, and Maureen McCarthy to provide an update on the continuing litigation impeding timely implementation of the authorized KPXC-DT (Denver) construction permit and to review the merits of alternative sites for constructing the station before February 17, 2009.

As required by Section 1.1206(b), as modified by the policies applicable to electronic filings, one electronic copy of this letter is being submitted for each above-referenced docket.

Respectfully submitted,



Scott S. Patrick

Attachment

cc(w/) (by email):

Eloise Gore  
Shaun Maher  
Kevin Harding  
Maureen McCarthy

**H**

Board of County Com'rs of County of Jefferson v.  
Canyon Area Residents for Environment  
Colo.,2007.

Only the Westlaw citation is currently available.

Supreme Court of Colorado,En Banc.

The BOARD OF COUNTY COMMISSIONERS  
OF the County of JEFFERSON, State of Colorado;  
Public Interest Communications LLC; and Bear  
Creek Development Corporation, a Colorado cor-  
poration, Petitioners

v.

CANYON AREA RESIDENTS FOR the ENVIR-  
ONMENT, a Colorado nonprofit corporation, Re-  
spondent.

**No. 06SC777.**

Nov. 26, 2007.

Court of Appeals Case No. 04CA0810 (5/4/06).

**\*1** Petition for Writ of Certiorari DENIED.

CHIEF JUSTICE MULLARKEY would grant  
as to the following issues:

Whether the county commissioners may place  
conditions on a rezoning application after public  
testimony is closed without requiring that public  
testimony be reopened.

Whether the county commissioners are re-  
quired to make express factual findings that each  
and every specific requirement of the county's zon-  
ing resolution is met to support approval of a rezon-  
ing application.

Whether the court of appeals erred when it held  
that the Board of County Commissioners of Jeffer-  
son County did not consider whether a planned unit  
development rezoning application pursuant to sec-  
tion 24-67-104, C.R.S., was in general conformity  
with any master plan or comprehensive plan, where  
such board expressly found that the application was  
in substantial conformance with the applicable land  
use plans.

Colo.,2007.

Board of County Com'rs of County of Jefferson v.  
Canyon Area Residents for Environment  
Not Reported in P.3d, 2007 WL 4153502 (Colo.)

END OF DOCUMENT



**Canyon Area Residents  
for the Environment**

# C.A.R.E.

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- C.A.R.E. in the News
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- Newsletters
- Letters to the Editor

### EMF TOWER FACTS

- SuperTower History
- Myth Busters
- Science
- Health Effects
- EMF Violations
- Station Ownership
- Publications/Articles

### COURT PROCEEDING

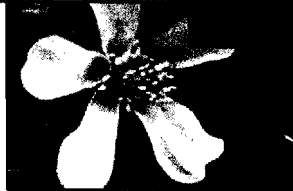
- Current Cases
- Archives

### COMMUNITY SURVEY

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## Welcome



## What's Going on Today...

### December 2007 - CARE Wins Mt. Morrison Suit CARE v. BCC and BCDC

- The Supreme Court denied the petition for certiorari on the Mt. Morrison case on 11/26/07. The Court of Appeals decision now represents the law of Colorado on Planned Unit Development rezonings including broadcast tower rezonings. (except for where the Act of Congress applies on Lookout Mountain).

In line with the Colorado Court of Appeals decision, the Jeffco Board of County Commissioners will now be required to hold new hearings on this rezoning that follow the directions of the Court of Appeals. The public must be given a full opportunity to be heard and the County Commissioners must follow the guidelines of the Central Mountains Community Plan and the Telecommunications Land Use Plan. The County Commissioners cannot allow the rezoning if an alternative site exists.

### November 2007 - Tower Issue Updates

- **Channel 2 KWGN Legal Case**  
On the KWGN case (the Channel 2 towers on Lookout across from Buffalo Bill's Grave and Museum), Judge Menendez has just ruled

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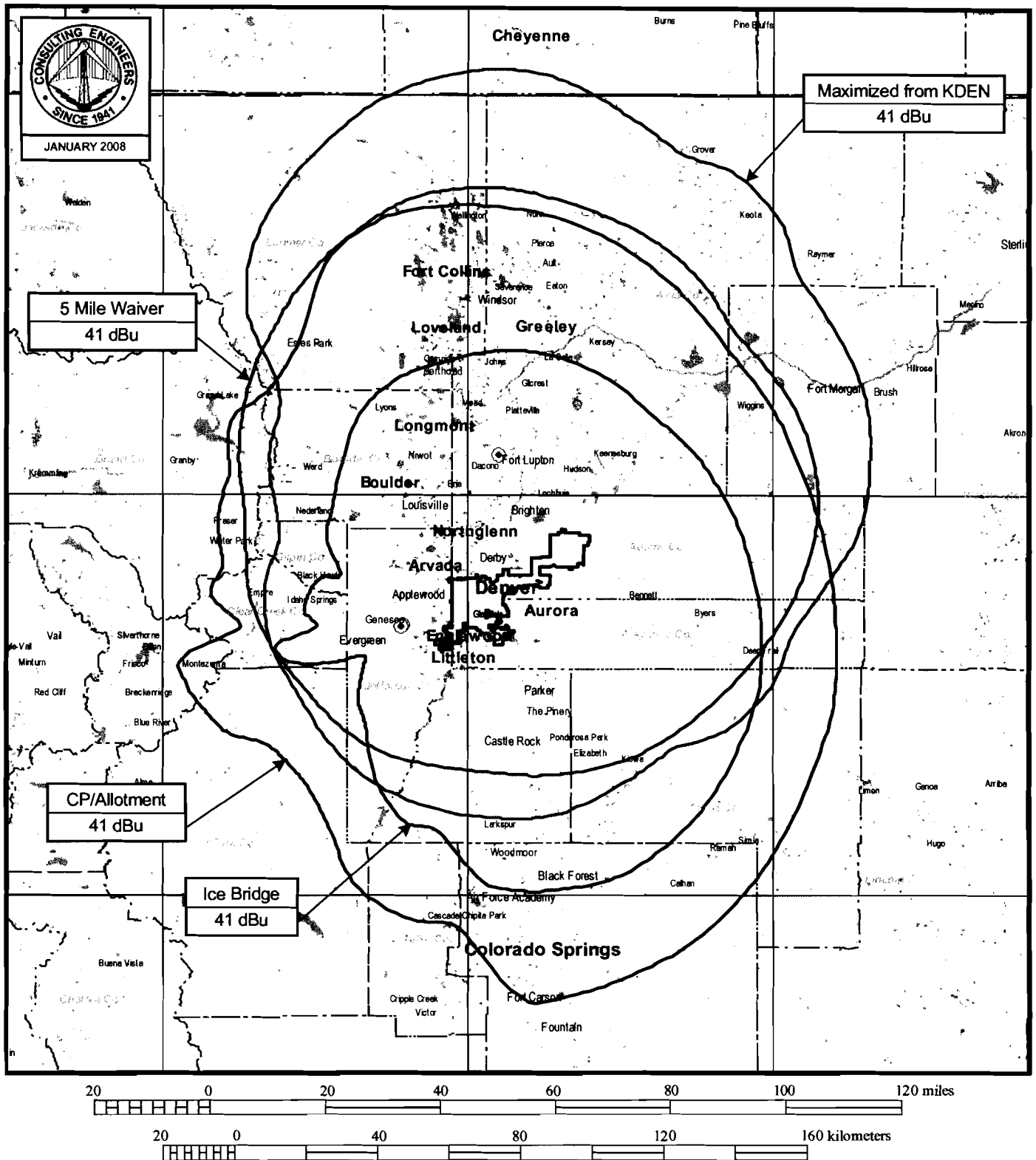
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## KPXC-DT (Denver)

### COMPARISON OF AVAILABLE SITES

| Site                           | Service Area Population (2000) | Population Gain (%) | Persons Inside Allotment Losing Service |             |
|--------------------------------|--------------------------------|---------------------|---|-------------|
|                                |                                |                     | Number                                  | %           |
| Allotment (CP-Mt. Morrison)    | 2,700,800                      | 0.0%                | 0                                       | 0.0%        |
| Ice Bridge (KRMA/Mt. Morrison) | 2,462,391                      | -8.8%               | 238,409                                 | 8.8%        |
| <b>KDEN Tower (Frederick)</b>  | <b>2,854,194</b>               | <b>5.7%</b>         | <b>29,628</b>                           | <b>1.1%</b> |
| KBDI Tower (Squaw Mtn.)        | 2,804,181                      | 3.8%                | 76,523                                  | 2.8%        |
| KRMT Tower (Indian Hills)      | 2,668,087                      | -1.2%               | 67,186                                  | 2.5%        |
| KWHD Tower (Castle Rock)       | 2,154,580                      | -20.2%              | 547,809                                 | 20.3%       |



## **PREDICTED COVERAGE CONTOURS**

**STATION KPXC-DT**

**DENVER, COLORADO**

du Treil, Lundin & Rackley, Inc Sarasota, Florida